

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

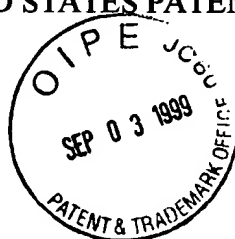
In re Application

Geert Heyse et al

Appln. No. : 09/182,499

Filed : October 29, 1998

For : REFILLABLE TAPE CASSETTE



) Art Unit: 2854

) Ex: D. Ghatt

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RESPONSE

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231


Sir:

In response to the examiner's election requirement, applicants provisionally elect claims 24-47 with traverse.

The provisions of 35 USC 121 do not mandate an election, rather election is discretionary. Here where the relationship between the three groups of claims is such that a search of one necessarily involves a search for the others, election is best not made. There is no undo burden placed on the examination process by considering two additional claims (48 and 49) in a search which will certainly cover the subject matter of both additional claims.

The examiner is urged to reconsider his requirement and to examine claims 48 and 49 along with claims 24-47.

Respectfully submitted


Felix J. D'Ambrosio
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September 3, 1999

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